

## **REMARKS**

Claims 1-20 are presently pending. Claims 1-20 have been rejected. No claims have been allowed. Claims 1 and 11-18 have been amended to more clearly articulate that which is being claimed. No claims have been canceled or added.

### **I. Claim Rejections under 35 U.S.C. § 102**

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,445,187 to Best (“Best”). In particular, the Office Action states, “Best discloses a gaming machine . . . [and a] digital signal processor adapted to perform at least one function selected from the group consisting of generating original audio output and modifying existing sound files.” Applicants respectfully traverse these rejections.

In order to anticipate a claim, a reference must teach every material element of that claim. Applicants respectfully submit that Best does not disclose a “wager-based gaming machine,” a “digital signal processor” (DSP) in any sense, or a DSP adapted to generate original audio output [or] modify existing sound files,” as disclosed in the context of the present claims. Rather, Best discloses a simple video game type system that does not have anything to do with bets or wagers, does not include a digital signal processor, and does not include a DSP or similar component that generates original audio output or modifies existing sound files, unlike the advanced wager based gaming machines disclosed and claimed in the present application. As such, Best cannot be said to anticipate any of the present claims.

Although not believed to be necessary, Applicants have amended each of the presently pending independent claims to more clearly articulate that wager-based gaming machines are being claimed, rather than ordinary electronic devices or video games. All amendments to dependent claims have been made merely to reflect these independent claim amendments. Applicants respectfully submit that the scope of the pending claims has not been affected

thereby, since the only types of gaming machines discussed in the specification as filed are wager based gaming machines, and because the present invention is set forth as resolving issues that are specific to wager based gaming machines only. *See, e.g.,* Specification, paragraphs [0003]-[0008] and [0017].

As referenced repeatedly in the specification and figures as filed, the present invention is directed toward a wager based gaming machine. For example, the end of paragraph [0003] references “the gaming machine (i.e., slot machine) industry,” while Figure 1 and the corresponding description thereof depict a video type wager based gaming machine 10. Furthermore, paragraph [0004] references the relatively strict nature of wager based gaming machine authorities and regulators, paragraph [0005] references a “line of gaming machines” made by WMS Gaming, Inc., a wager based gaming machine manufacturer, and paragraph [0008] references the popular “Wheel of Fortune” wager based gaming machine. Additional wager based references with respect to the disclosed gaming machines include “a big win” and “an even money payout,” as stated in paragraph [0042], and numerous references to a “Player Tracking Card,” which is a well known feature as a player perk within the wager based gaming machine industry.

Each of independent claims 1, 11 and 17 recites a “wager based gaming machine.” Because Best does not disclose a wager based gaming machine, Best does not anticipate any of independent claims 1, 11 or 17 for at least this reason. Because all dependent claims depend from one of claims 1, 11 or 17, Best does not anticipate any dependent claim either for at least the same reason.

Furthermore, Best does not disclose a digital signal processor. Rather, Best discloses only a simple digital to analog converter (D-A converter), which is not the same as a digital signal processor, as that term is known to those skilled the art. The Illustrated Dictionary of Electronics, Seventh Edition, Gibilisco, McGraw Hill, 1997, defines “digital signal processing

(DSP)” as “A method of signal enhancement that operates by eliminating confusion between digital states. . . . It is used extensively in digital communication and recording, *often in conjunction with . . . digital-to-analog (D/A) conversion* to enhance the quality of analog signals and recordings” (emphasis added). The simple D-A converter in Best that the Office Action references as allegedly being a digital signal processor is not a digital signal processor.

Each of independent claims 1, 11 and 17 recites a “digital signal processor.” Because Best does not disclose a digital signal processor, Best does not anticipate any of independent claims 1, 11 or 17. Because all dependent claims depend from one of claims 1, 11 or 17, Best does not anticipate any dependent claim either for at least this same reason.

Still further, Best does not disclose a DSP or similar component adapted to generate original audio output or modify existing sound files. As noted above, the Office Action has referenced a simple D-A converter in Best as being an alleged digital signal processor. Applicants respectfully submit that even if such a D-A converter were to be considered a DSP, that this simple device is still not adapted to generate original audio output or modify existing sound files. As is generally known to those skilled in the art, these are functions that might be performed by a true DSP, but never by a simple D-A converter.

Independent claim 1 recites a “digital signal processor [that] is adapted to perform at least one function selected from the group consisting of generating original audio output and modifying existing sound files.” Because Best does not disclose such a device, Best does not anticipate claim 1 for at least this reason. Because dependent claims 2-10 all depend from claim 1, Best does not anticipate claims 2-10 either for at least this same reason.

Additionally, Applicants respectfully submit that the Office Action has further mischaracterized the D-A converter of Best in numerous other ways. For example, the Office Action states, “Best discloses gaming machine wherein said digital signal processor is configured to alter musical or tonal parameters while a sound file is playing, is configured to

synthesize music in real-time . . . and is configured to provide audio output tailored to a player currently using the gaming machine.” The Office Action also states, “Best discloses a gaming machine wherein said digital signal processor is configured to recognize speech used by a player.” As noted above, the alleged digital signal processor in Best is a simple D-A converter. However, these recited functions are just not possible for a simple D-A converter. Accordingly, in addition to the reasons provided above, applicants also respectfully traverse all rejections of dependent claims separately based upon these alleged properties of this simple D-A converter of Best.

## **CONCLUSION**

Applicant respectfully submits that all claims are in proper form and condition for patentability, and requests a Notification of Allowance to that effect. It is not believed that any fee is due at this time. If any such fee is due in connection with this paper or for this application in general, however, then the Commissioner is hereby authorized to charge such fee or fees to Deposit Account No. 50-0388, referencing Docket No. IGT1P095. If there are any questions or issues remaining, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,  
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